

REMARKS

With this response, Claims 1-28 are pending in the present application. Claim 29 has been canceled.

Claims 1-28 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,616,765 to Castro et al. Applicant respectfully maintains that the claims are patentable over Castro for several reasons.

First, Applicant asserts that claims 1-28 are patentably distinct over Castro because Castro does not suggest or disclose at least the step of “dispelling the coating material through the outlet orifice onto the slide surface” of the coating head, as claimed in independent claims 1, 16 and 27. The Office Action states that the ’765 patent to Castro “teaches applying a coating ... thru a dispensing assembly 22 that includes a nozzle 26 and an orifice 28 (6:16-35)” and that, “[a]lthough the ’765 does not describe the nozzle as a slide coating head, the coating material does slide down the inside of nozzle 26 before reaching the prosthesis 12.” *See* Office Action, p. 3, ¶6. Thus, the Examiner considers the inner wall of syringe nozzle 26, as seen in Figure 1 of Castro, as the slide surface, which terminates at orifice 28 for delivery of the coating material. In other words, the orifice in Castro is located downstream of the slide surface, and coating material is dispensed from the slide surface through the orifice as it exits the slide surface. In contrast, the Applicant’s claims regard a device that dispels coating material from an upstream orifice onto a slide surface. Thus, Castro does not at least disclose the step of “dispelling the coating material through the outlet orifice onto the slide surface” of the coating head, as claimed in independent claims 1, 16 and 27. Furthermore, there is no suggestion or motivation provided in Castro to modify the syringe-type dispenser of Castro to add the structural feature of another orifice, or the step of dispelling coating through an outlet surface onto a slide surface, nor does the Office Action point to any.

Second, Applicant asserts that claims 16-26 are allowable for the independent reason that the device in Castro does not disclose the step of “flowing the second coating material down the second slide surface, wherein the second slide surface is oriented relative to the first slide surface such that the second coating material flows on top of the first coating material on the first slide surface forming a multi-layer coating material having a layer of second coating material above a layer of first coating material,” as claimed in independent claim 16. Even if Castro were considered to disclose any orifice for dispensing coating material onto a slide surface, it does not disclose a plurality of slide surfaces oriented or positioned in such a way to form a multi-layer coating material. The Office Action states that Castro discloses that “[t]here may be more than one dispenser assembly (hence a first and second slide surface) ... (7:52-67).” *See* Office Action, pp. 3, ¶6. However, nothing in Castro discloses or suggests the orientation of a plurality of dispenser assemblies in any manner, much less suggest or motivate one of skill in the art to orient a plurality of dispenser assemblies in such a way to result in “forming a multi-layer coating material having a layer of second coating material above a layer of first coating material.” Accordingly, Applicant respectfully submits that claims 16-26 are independently patentable over the Castro reference for this reason as well.

Third, Applicant asserts that dependent claims 6-8 and 24-25 are allowable for the independent reason that the device in Castro does not disclose a plurality of plates. The Office Action states that “[t]he upper and lower surfaces of the nozzle [26] may be considered first and second, or upper and lower plates.” *See* Office Action, pp. 3-4, ¶6. The Office Action however fails to specify which plurality of structures in nozzle 26 of Castro it finds the plates. As depicted throughout the figures of Castro, nozzle 26 is part of a unitary syringe structure 22. Castro does not disclose or suggest a nozzle comprising of separable plates, let alone disclose

assembling the plates to form an outlet orifice between the plates, as claimed in claims 7 and 25. If the examiner considers the syringe wall 24 as a separate “plate,” Applicant respectfully asserts that Castro likewise does not disclose or suggest breaking the unitary syringe structure 22 into separable “plate” components of reservoir 24 and nozzle 26, much less disclose or suggest forming an orifice between the reservoir 24 and nozzle 26. Furthermore, there is no suggestion or motivation provided in Castro to modify the syringe-type dispenser of Castro to add the structural feature of plates, nor does the Office Action point to any. Accordingly, Applicant respectfully submits that claims 6-8 and 24-25 are independently patentable over the Castro reference for this reason as well.

CONCLUSION

In view of the preceding remarks, the Applicant respectfully submits that each of the pending claims is in condition for allowance and, therefore, requests reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge Kenyon & Kenyon LLP Deposit Account No. 11-0600 for any applicable fee.

Should the Examiner require any additional information regarding this Response, the Examiner is invited to contact the undersigned at (202) 220-4200.

Respectfully submitted,

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